

ULES STAMPEDING WITH AMMUNITION CAUSED DISASTER AT ADYSMITH—TROOPS FOUGHT WHILE CARTRIDGES LASTED.

BRITAIN IS ANXIOUS AND WITHOUT NEWS

All Avenues of Communication Are Closed by Censors.

NO WORD FROM NATAL.

The Fate of Kimberley and Mafeking Also Remains a Mystery.

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London, Nov. 2.—Unless the Government has received official dispatches which it is keeping secret, not a word of the events in Africa since Tuesday has reached London up to this hour—3 o'clock Thursday morning. It begins to look extremely as though Ladysmith had been completely cut off.

Joseph S. Dunn, the Journal's correspondent there, got through the last press message dated Tuesday evening saying that the Boers were again shelling the town. The only other news is a telegram from Pietermaritzburg which says it is rumored that stragglers from the two captured regiments are coming into Ladysmith, but not a word has been received as to how many of the unfortunate Gloucestershires and Irish Fusiliers fell before surrendering, nor how they fought.

So far as the London newspapers are concerned this morning, the whole of South Africa, as well as Natal, are completely cut off by the censorship.

There is a report that General Sir Redvers Buller is hastening from Cape Town to Durban in order to get closer to Ladysmith, but that is all.

There is even no news from Kimberley or Mafeking.

It is an anxious morning for England, with little chance of the prospects brightening for a week, which time will be required for reinforcements in any numbers to reach Cape Town. Meanwhile all the journals are trying to explain away the Ladysmith disaster, laying blame principally on the men which stampeded, carrying away the ammunition.

The tone of the Continental press is not comforting, either, for it is perfectly evident in every city on the Continent. Paris is going fairly into paroxysms of delight over it, but the English are sturdy and patient.

In numerous speeches made to-night by various leaders all urged their hearers to keep stout hearts, saying victory is inevitable in the end.

LOSS OF A TROOP SHIP IS NOT CONFIRMED.

London, Nov. 1.—In connection with a rumor of the loss of a British troopship, the name of the Peninsular and Oriental steamer Nubia has been mentioned, but the company has no knowledge of any disaster, and says it does not know whence the rumor originated.

The Nubia sailed from Southampton on October 21 for the Cape of Good Hope, via St. Vincent, Cape Verde Islands, which place she left on Monday.

The rumor seems to have originated in Berlin Monday, but nothing is known of the matter here.

To prevent colds or "Grip," take two "Orange" powders, half hour apart, when chilled or exposed. If malady advanced, simple "Orangeine" directions in every package will quickly cure.

ALFRED AUSTIN, THE LAUREATE, WRITES A PATRIOTIC VERSE.

(Copyright, 1899, by the New York Journal and Advertiser.)
LONDON, Nov. 1.—Following is a poem by Alfred Austin, Poet Laureate:



ALFRED AUSTIN.

Through her vast realm is neither fear nor feud,
But, calm in strength and steeled in fortitude,
She fills the gaps of death with eager life
That will nor lag nor haggle in the strife
Till having backward rolled the lawless tide
Of trusted treason, tyranny, and pride,
Her flag hath brought, inflexible as fate,
Charter of freedom of a fettered State.

When for a passing hour Rome's
mainly sway
Felt the sharp shock of Cannae's
adverse day,
Forum and field and Senate house
were rent
With cries of nor misgiving nor lament;
Only of men contending, men who
should
Purchase the spot on which the victor
stood.
Legion on legion sprang up from the
ground,
Gleaned through the land, then over
ocean wound,
Till Scipio's eagles swarmed on
Africa's shore
And Carthage perished to insult no
more.
Not less resolved than Rome now
England stands,
Facing foul fortune with unflinching
hand;

LONSDALE GOING TO FIGHT BOERS.

Famous British Sportsman Announces It at a Banquet.

(Copyright, 1899, by the New York Journal and Advertiser.)

London, Nov. 1.—Lord Lonsdale, the German Emperor's friend and the first sportsman of England, is going to South Africa at the head of a volunteer force of North countrymen from Westmoreland and Cumberland counties.

He will equip and pay for the company himself and will offer its services to the Government.

Lord Lonsdale announced his plan in a speech tonight at the Lord Mayor's banquet at Whitehall.

The volunteers, he said, would be drawn from County Yeomanry, of which he is colonel.

Lord Lonsdale declared his confidence in General Sir George Stewart White, the British commander in Natal, and predicted a grand review in Pretoria next March.

Referring to Emperor William's celebrated telegram to President Kruger at the time of the failure of the Jameson raid, Lord Lonsdale said:

"If His Majesty's dispatch had been rightly understood, it would have had a totally different effect. It was sent with a view of playing two sides."

"It was not antagonistic to Great Britain. I have the pleasure to know the views of

the German Emperor, and they are in accordance with the views of England."

There has been a great rush of young army swells to be detailed into the composite regiment to be made up mostly from the Life Guards and the Royal Horse Guards, which soon goes to Africa.

Among the officers already chosen are Prince Christian Victor, of Schleswig-Holstein, Lord Edmund Talbot, brother of the Duke of Norfolk; the Duke of Roxburgh, Lieutenant Clay Spender, who is enormously rich, Captain Vaughan Lee, Captain Ellison, Lieutenant Gerald Ward, all social favorites connected with high families.

Lieutenant Ward marries the daughter of the Earl of Bute next Tuesday, and sails a few days later.

Many young lords who are officers in the household cavalry are already on their way to Africa, having secured special details on the staff or with other regiments.

The death of young men already has been felt in social circles, and is especially noticeable in the theatres, where receipts have fallen off 30 per cent on account of the front row vacancies.

The Lyric Club, to which most of the men about town belong, has 450 members or so to the war.

The British reverses have aroused tremendous anxiety in many families of the nobility.

10,000 MORE TROOPS TO FIGHT THE BOERS.

London, Nov. 1.—It was reported at Aldershot to-day that another complete army division will forthwith be formed for service in South Africa.

The division consists of 10,000 men and 54 guns. This is possibly a preliminary step toward the calling out of a second army corps.

Canadian Troops Sail Out to Sea.

Quebec, Nov. 1.—The Allan line steamer Sardinian, from Montreal and Quebec, with the Canadian contingent for the Transvaal war on board, sailed out to-day.



The Main Street of Pietermaritzburg, Capital of Natal, to Which the British, if Forced to Give Up Ladysmith, Will Retire.

MONDAY'S BATTLE AT LADYSMITH.

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east of Ladysmith. Then, at the time appointed, they were to take a hand in crushing the enemy.

You know now how the plan, beautifully conceived as it was, failed and ended in disaster.

The battlefield was a magnificent plateau, interspersed with kopjes, the chief of which were Ad's Kop and Culwana Mountain, two prominent eminences east of Ladysmith, between which the road to Helpmakaar. In the far distance were the Basutoland Hills. Altogether it was a full panorama of nature at peace, while man was at war.

London, Nov. 1.—The above dispatch evidently was filed by Mr. Dunn on Monday night immediately after the lull in the fighting around Ladysmith. It did not arrive at the Journal's London Bureau until this afternoon. The delay in transmission was due either to the action of the censor or to the crush of business on the single cable which is now working between that city and South Africa.

The dispatch itself has undoubtedly been cut by the censor, Mr. Dunn having instructions to send the Journal detailed accounts of the movements of the armies in Natal, probably greatly exceeded the limit of the number of words each correspondent was permitted to file, and the censor reduced it to that point.

"AN INQUISITION," SAYS ROSEBERY.

Preparations for the Boer War Will Be Investigated.

Edinburgh, Nov. 1.—Lord Rosebery, toasting "The Army and Navy," at a banquet given this evening by the Lord Provost of Edinburgh to the officers of the Gordon Highlanders and the Scots Greys, referring to the reverse in Natal, said:

"It is much to be regretted, but in a considerable campaign, we must look for such incidents. It is not in the nature of Britons to take much notice of them. We have had a good many of the same kind, and have generally got out right in the end."

"But whatever happens, we must see this thing through, even if it should cost still more battalions and still more millions. Some day there will be an inquiry as to the preparations made for this war, but the time for that is not now. Our duty now is to support those who have the direction of affairs."

London, Nov. 1.—Lord George Hamilton, Secretary of State for India, speaking at a Balling this evening regarding the situation in South Africa, said:

"Our ultimate decision is certain, and when the terms which we as victors will propose to the vanquished are known, foreign nations will see that the main cause which has forced us to embark upon this conflict is not a desire of pecuniary profit or of territorial aggrandizement, but a determination to emancipate a vast territory, for the common benefit of mankind from an ignominious and degrading tyranny."

The Earl of Selborne, Under Secretary of State for the Colonies, speaking at Dumfries, said:

"It is not the fault of the statesmen of the Transvaal that we have not been embroiled with some European power. If hostilities had not come when they did, there would have come at some moment of national danger and peril."

Baron Tweedmouth, former Parliamentary Secretary to the Treasury, speaking in Edinburgh, said:

"The public mind has not been so moved since the news of the dreadful events of the Indian mutiny. We, unfortunately, are warring with a nation of the same stock, and religion as ourselves. At this crisis all hearts go out to the brave Boers and to the small British army in Natal, which, against fearful odds, has performed magnificent feats of valor."

"It is not the time to call our opponents names or to utter cries of vengeance. We go back to Her Majesty's Ministers, who have a fearful, yes, an awful, responsibility upon their shoulders."

The Earl of Carrington, Liberal, speaking at Buckingham, gave expression to virtually the same convictions.

SAY BRITISH DEFEAT ALIENATES NATIVES.

(Copyright, 1899, by the New York Journal and Advertiser.)

Berlin, Nov. 1.—Authoritative German military circles do not consider the actual results of the defeat as the worst consequence of a catastrophe of Ladysmith, rather the loss of prestige of the British army among the wild tribes, this prestige kept intact, having remained inviolate, the Boers have always been dis-

GENERAL WHITE BLAMES MULES.

LONDON, Nov. 1.—The British War Office to-day made public the following dispatch received from General White, describing the operations of Monday: Ladysmith, Oct. 31, 7:50 P. M.—I took out from Ladysmith a brigade of mounted troops, two brigade divisions of the Royal Artillery, the Natal Field Battery and two brigades of infantry, to reconnoitre in force the enemy's main position to the north, and, if opportunity should offer, to capture the hill behind Farquhar's Farm, which had on the previous day been held in strength by the enemy.

In connection with this advance a column, consisting of the Tenth Mountain Artillery, four half companies of the Gloucesters and six companies of the Royal Irish Fusiliers, the whole under Lieutenant-Colonel Carlton and Major Aylie, Deputy Assistant Adjutant-General, was dispatched at 11 p. m. on the 29th, to march by night up Bells Spruit and seize Nicholson's Nek, or some position near Nicholson's Nek—ek, thus turning the enemy's right flank.

The main advance was successfully carried out, the objective of the attack being found evacuated, and an artillery duel between our field batteries and the enemy's guns of position and Maxims is understood to have caused heavy loss to the enemy.

The reconnaissance forced the enemy to fully disclose his position, and after a strong counter attack on our right the infantry brigade and cavalry had been repulsed the troops were slowly withdrawn to camp, pickets being left on observation.

Late in the engagement the naval contingent, under Captain Lambton, of H. M. S. Powerful, came into action and silenced with their extremely accurate fire the enemy's guns of position.

The circumstances which attended the movements of Lieutenant-Colonel Carlton's column are not yet fully known, but from reports received the column appears to have carried out the night march unmolested until within two miles of Nicholson's Nek. At this point two bowlders rolled from the hill and a few rifle shots stampeded the infantry ammunition mules.

The stampede spread to the battery mules, which broke loose from their leaders and got away with practically the whole of the gun equipment and the greater portion of the regimental small-arm ammunition. The reserve was similarly lost.

The infantry battalion, however, fixed bayonets and, accompanied by the personnel of the artillery, seized a hill on the left of the road two miles from the Nek, with but little opposition. There they remained unmolested till dawn, the time being occupied in organizing the defence of the hill and constructing stone sangars and walls as cover from fire.

At dawn a skirmishing attack on our position was commenced by the enemy, but made no way until 9:30 a. m., when strong reinforcements enabled them to rush to the attack with great energy. Their fire became very searching, and two companies of the Gloucesters in an advance position were ordered to fall back.

The enemy then pressed to short range, the losses on our side being very numerous.

At 3 p. m. our ammunition was practically exhausted, the position was captured and the survivors of the column fell into the enemy's hands.

The enemy treated our wounded with humanity, General Joubert at once dispatching a letter to me offering a safe conduct to doctors and ambulances to remove the wounded. A medical officer and parties to render first aid to the wounded were dispatched to the scene of action from Ladysmith last night, and the ambulance left dawn this morning.

The want of success of the column was due to the misfortune of the mules stampeding and the consequent loss of the guns and small-arm ammunition and the reserve.

The official list of casualties and prisoners will be reported shortly. The state are understood to have been sent by rail to Pretoria. The security of Ladysmith is in no way affected.

BRITISH HAVE LOST 2,116 MEN TO DATE.

London, Nov. 1.—A careful calculation of the British losses in all the engagements since the outbreak of hostilities—excluding the casualties among the non-commissioned officers and men in Monday's disaster at Ladysmith, which are thus far unknown here—gives a total of 916.

To these probably 1,200 will need to be added when the details regarding the Ladysmith reverses are received. This total is made up as follows:

Officers, 133, being 19 killed, 61 wounded and 53 captured.

Men, 783, being 137 killed, 492 wounded and 154 captured.

British Bay South Carolina Mules.

London, Nov. 1.—South Carolina mules probably will be used in the South African war. George A. Douglas, of this city, to-day was given a contract by British Consul Coedgen to furnish 1,300 mules, to be delivered either in Charleston or Savannah.

Noise does not win battles, but Johnson's Disappearing Tablets cure dyspepsia.

To prevent colds or "Grip," take two "Orange" powders, half hour apart, when chilled or exposed. If malady advanced, simple "Orangeine" directions in every package will quickly cure.

JOURNAL SAVES THE CITY \$200,000,000.

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other corporations, and to persons that may lawfully contract therefor."

It is insisted on the part of the applicant that the company, although organized more than twelve years ago, has, during the entire period mentioned, failed to exercise its powers and has suspended its ordinary and lawful business.

In support of this contention, the applicant has produced evidence showing or tending to show that the respondent has never accumulated, stored, or sold any water, and has never attempted to do so; that it has never constructed any system of water works or laid down any pipes, nor attempted to do so; that it has never purchased or leased any lands or water, and does not own or control any real estate or water; that it has never instituted any proceedings to acquire title by condemnation to any real estate or waters, for the purpose of the company; and, in short, that it has never engaged in the business for which it was organized, and has not attempted to do so.

In addition to all this, it is claimed by the applicant that the public interest demands the dissolution of the respondent. The principal ground of this contention is that, as is alleged by the applicant, the respondent, by methods which have been characterized in strong terms has attempted and is still attempting to enter into a contract with the city of New York for the supply of water, involving an expenditure of two hundred million dollars.

It is claimed that this proposed contract is grossly unjust to the city, that it was attempted to consummate it in a secret and hurried manner, that no opportunity was given for the discussion of its terms and provisions by the people of the city and in the public press, and that the magnitude of the contract, the character of its provisions, and the manner of its attempted executing are such that the continued existence of the respondent is nothing short of a menace to the public welfare.

On the other hand it is urged by the respondent that it has not failed to exercise its powers, has not suspended its ordinary and lawful business, and that there has been no such nonuser as is contemplated by the statute as a cause for dissolution.

In support of its contention the respondent has produced affidavits showing that at great expense and under considerable difficulties surveys of large tracts of land have been made and maps of the same have been filed; that this work has been continuously carried on since the organization of the company; that during the entire period mentioned a trained force of experts has been in the employ of the company; that at the same time a number of men have been employed by the company in negotiations for the purchase of land needed for its works; that it has procured options for the purchase of lands needed by it; that it has caused plans to be made by its electrical and engineering force for the collection and utilization of the water upon the water-

sheds; that in the various kinds of work and experiment above referred to it has expended several hundred thousand dollars, and, lastly, that it has engaged in active negotiations for the sale of water, particularly with the city of New York.

It is not claimed that any action has been taken toward actually obtaining real estate or water privileges or toward accumulating, storing or conducting water, beyond the securing of options and the making of surveys. No reservoirs have been built or pipes laid, nor, in fact, has any of the work of accumulating and storing water been commenced; no water has been supplied for any of the purposes stated in the articles of incorporation to any city, corporation or person; nor any contract been, in fact, made for that purpose.

It is stated as an incontrovertible proposition on the part of the Ramapo Company that "the law intends that the company shall make a bona fide attempt to do the objects for which it is created. But the question of the dissolution does not depend upon whether that attempt is successful or not."

The question to be determined with reference to the commencement of an action by the Attorney-General is whether the corporation has exercised its corporate powers or privilege, or any of them, or has in good faith attempted to do so. As clearly and concisely stated in the brief of counsel for the company (citing Chesapeake & Ohio Canal Company vs. Baltimore & Ohio R. R. Co., 4 Gill and Johns, R. L.), "has it fulfilled the purposes of its trust or acted in good faith with a view to its fulfillment? is the question to be asked, when it is called on to forfeit its charter, either for acts of omission or commission."

It will be seen from this brief summary that a novel and difficult question of law rises, which is not settled by the authorities and the decision of which calls for careful investigation, and that such question can only be satisfactorily determined by the Court.

In view of the importance of the point raised as to what constitutes "nonuser" by a corporation and of the fact that it is a question frequently arising, it is deemed advisable that an action should be brought as the only satisfactory method of obtaining a determination of the legal question.

As the interests of the State will be fully protected by the granting of the second application, I have concluded, upon leave of the Court being granted, to allow an action to be brought in the name of the People of the State of New York, upon the relation of William R. Hearst, against the Ramapo Water Company to procure its dissolution, upon the proposed relator giving the security required by sections 1808 and 1986 of the Code of Civil Procedure.

Dated November 1, 1899.

JOHN C. DAVIE, Attorney-General